

BILL NO. Z-96-06-13

ZONING MAP ORDINANCE NO. Z-05-96

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. Q-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B  
(Limited Business) District under the terms of Chapter 157 Title XV of the Code of the  
City of Fort Wayne, Indiana of 1974:

RA PARCEL

A parcel of land located at the Southeast One-Quarter of Section 30, Township  
31 North, Range 13 East, Allen County, Indiana and more particularly described  
as follows:

BEGINNING at the Northeast corner of Lot #174 of Kirkwood Park Addition,  
Section F as recorded in Plat Book 18 page 195 in the Office of Allen County  
Recorder; thence Northerly along the extension of the East line of said lot a  
distance of 404.28 feet to a point on the Southerly right-of-way line of Coliseum  
Boulevard; thence by a deflection right of 114 degrees 08 minutes along said  
right-of-way line a distance of 164.37 feet; thence by a deflection right of 65  
degrees 52 minutes, a distance of 337.14 feet; thence by a deflection right of 90  
degrees 00 minutes, a distance of 150.00 feet to the point of beginning,  
containing 1.28 acres of land more or less.

R1 PARCEL

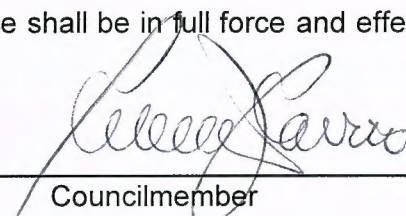
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as follows:

BEGINNING at the Northeast corner of Lot #174 of Kirkwood Park Addition,  
Section F as recorded in Plat Book 18 page 195 in the Office of the Allen County  
Recorder; thence West along the North line of said Lot #174, a distance of 150.0  
feet; thence by a deflection right of 89 degrees 50 minutes 35 seconds along the  
East right-of-way line of Glenhurst Avenue, a distance of 192.93 feet; thence on  
a curve to the right having a radius of 15.0 feet an arc length of 23.56 feet and  
being subtended by a chord of 21.33 feet deflecting right of 45 degrees 30  
minutes 29 seconds from the last described line; thence by a deflection left of 45  
degrees 25 minutes 44 seconds from the previous chord along the East right-of-  
way line of Glenhurst Avenue, a distance of 144.25 feet; thence by a deflection

right of 29 degrees 12 minutes, a distance of 103.11 feet to a point on the Southerly right-of-way line of Coliseum Boulevard; thence by a deflection right of 85 degrees 02 minutes along said right-of-way line a distance of 93.18 feet; thence by deflection right of 65 degrees 52 minutes, a distance of 404.28 feet to the point of beginning, containing 1.35 acres of land more or less.

and the symbols of the City of Fort Wayne Zoning Map No. Q-22, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Reimer  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on 6-11-96, the 19 day of June  
M., E.S.T.

DATED:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst  
and duly adopted, placed on its passage. PASSED 10-9  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE				<u>✓</u>
SCHMIDT	<u>✓</u>			

DATED:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION NO.

2-05-96

on the 9th day of July, 19 96

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

DD Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 10th day of July, 19 96,  
at the hour of 11:00 o'clock A, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of July,  
19 96, at the hour of 1:30 o'clock P, M., E.S.T.

Paul Heimke  
PAUL HEIMKE, MAYOR

ORIGINAL

ORIGINAL

#614

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 2710 E Coliseum Blvd

2-16-06-13

EFFECT OF PASSAGE Property is currently zoned RA - Residential  
"A" and R-1 - Single Family Residential. Property will be  
zoned B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain RA - Residential  
"A" and R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_



# FACT SHEET

Z-96-06-13

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From RA & R1 to B-1-B

### DETAILS

Specific Location and/or Address

2710 E Coliseum Bl

Reason for Project

To make zoning consistent with the rest of the development.

Discussion (Including relationship to other Council actions)

17 June 1996 - Public Hearing

(See Attached Minutes of Meeting

24 June 1996 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion Carried.

NOTE: Dave Ross arrived late after the vote on this motion.

Members Present: Linda Buskirk, Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Richard Pierce, Thomas Quirk, Dave Ross

Member Absent: Carol Kettler Sharp

### POSITIONS

### RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

3000 Coliseum Investors, LLC

City Department

Other

Opponents

Groups or Individuals

Doris Bailey, 3523 Glenhurst

Dorothy Otting, 3517 Glenhurst

Madeline Jacobs, 3512 Glenhurst

Basis of Opposition

- zoning would be detrimental to the area, it is located directly across the street from their homes

Staff  
Recommendation

☒ For ☐ Against

Reason Against

Board or  
Commission  
Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS

(For Council  
use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass





- a. Bill No. Z-96-06-13 - Change of Zone #614  
From R-1 and RA to B-1-B  
2710 E Coliseum Bl

Vince Heiny, attorney for the petitioners, 3000 Coliseum Investors, LLC, appeared before the Commission. Mr. Heiny stated that they are seeking to rezone 2.63 acres. He stated that this property is part of a larger parcel that was once occupied by the Mutual Security Life Insurance Company and Peter Eckrich and Sons Meats. He stated that both of these businesses vacated the city some years ago and the property has set vacant since the early 80's. He stated that this property has set empty until purchased by his client 2 years ago. He stated that the Post Office is using one piece of the property and another property is planned to be used for an assisted living facility. He stated that they feel that this requested rezoning meets the statutory criteria, that the rezoning would promote responsible development and growth, and that it is consistent with the conservation of property values throughout the jurisdiction. He stated that another of the statutory criteria is the most desirable use for the land. He stated that it is highly unlikely that this piece of property, because of its location, would ever be developed as residential property. He stated that the rezoning is consistent with current conditions and characters of the current construction in the district. He stated that his client has worked with the Kirkwood Park Neighborhood Association and their attorney Mr. Niezer. He stated that they have worked out a detailed agreement. He stated that the agreement that they have reached with the Kirkwood Park Neighborhood Association has three components. One of the main components is to close off Glenhurst and Merivale, so that people can not access the complex from the subdivision. He stated that it has a landscaping component where the road closes. And the third component has to deal with use limitations. It limits it to some things that would be permitted in a B-1-B.

Tom Niezer, attorney representing Kirkwood Park Neighborhood Association appeared before the Commission. Mr. Niezer stated that he agreed completely with Mr. Heiny's characterization of the agreement that has been reached and what has been entered into the record. He stated that the closure of Glenhurst and Merivale has taken place through a temporary method for close to 4 to 5 months. He stated that this entire process represents close to a year's relationship with Mr. Sturgis and his group and his cooperation in closing off and vacating Springfield Avenue. Also, Mr. Sturgis's cooperation in reconfiguration and reconstruction of Glenhurst and Merivale. He stated that the agreement with respect to the limitations of uses that will be placed on property, once the agreement that has been signed is placed in record. He stated that from the association's standpoint, it is something that is much more desirable, from the association's standpoint, than what they previously face a couple of years ago when Lowe's was contemplating moving onto the property. He stated that he was there that evening on behalf of the association. He stated that he cannot represent to the Commission that they have 100% support from all of the residents of the area. He stated that with the agreement reached, that speaking for the association they support the rezoning of this property.

Doris Bailey, 3523 Glenhurst Ave, appeared before the Commission in opposition to the proposed rezoning. She stated that this zoning would allow for a restaurant to be located across from Glenhurst. She stated that she objected strongly to the rezoning.

Dorothy Otting, 3517 Glenhurst Avenue, appeared before the Commission in opposition to the rezoning. She stated that one of the major concerns is that the 2.6 acres is right across the street from their homes. She stated that at the time the property was purchase they were aware that the property was zoned residentially. She stated that if they did not want to leave it as



residential, then they should not have purchased the property. She stated that they do not feel that a commercial structure should be placed right across the street from their homes.

Madelene Jacobs, 3512 Glenhurst Avenue, appeared before the Commission in opposition to the rezoning. She stated that she wanted to make it know that she agrees with the two speaker who spoke in opposition to the rezoning.

DeDe Hall questioned if the people in opposition were opposed to just a restaurant, or the rezoning of the property to commercial.

Mr. Heiny stated that there are restrictions that deal with restaurants. He stated that they are permitted but with limitations. He stated that there can be no live bands or entertainment, or nightclub type restaurant. There is also a limitation that it not be open to the public from 1 am to 6 am. There is another limitation, that if it is a restaurant, it be a sit down restaurant, which would eliminate any fast food, drive through restaurants.

DeDe Hall questioned if this 2.6 acres needed to be rezoned. Is this parcel essential to the development of the property. (Ms. Hall was referring to the portion that fronted on Glenhurst Avenue and is zoned RA.)

Mr. Heiny stated that without the RA being rezoned he did not think that parcel would be large enough to use the RA the way the road is going to be configured through the development.

Wayne O'Brien stated that there would be landscaping requirements as part of the parking lot development of the site. He stated that there are also additional landscape issues in the agreement between the developer and the association, especially in the area of the reconfiguration of the streets.

Dave Ross questioned if it would be landscaping or fencing or some other form of barrier.

Mr. O'Brien stated there would be that possibility depending on where the parking lot would be established for this development.

Dave Ross questioned if the agreement was between the Plan Commission and the Association.

Mr. O'Brien stated that as he understood the agreement, and staff has not had the opportunity of reviewing the agreement, it is between the developer and the association. It would be enforced by the association. The Plan Commission is not a party to it.

Mr. Heiny stated that a significant portion of this development is already B-1-B that does about the Kirkwood Subdivision. He stated to that extent it is consistent to what is already out there. He stated that the agreement with Kirkwood constitutes a significant expenditure that the owners are doing to close the road. He stated that the cost is just shy of \$50,000. He stated that the whole agreement with Kirkwood is contingent upon this. He stated that if you look at it in total it is probably more desirable for the association to be assured that these two roads (Glenhurst and Merivale) are closed off. He stated that is a significant improvement to that neighborhood.

Pat Fahey asked if he could address the landscaping of the property to be rezoned.

Barry Sturgis stated that when they originally did the postal service project, they came up with



a screening and buffering plan. He stated that they met with the association on 2 or 3 occasions to try and address their concerns regarding the landscaping. He stated that the came up with the plan and then met with the association again, and made a few changes based upon their requests and their landscape architect. He stated that they feel they have buffered it quite nicely. He stated that they would not consider to do any less for the new area that they are requesting to be rezoned. He stated that they would again meet with the association and try to meet their need and concerns.

There was no one else present who spoke in favor of or in opposition to the proposed zoning map amendment.

# RECEIPT

№ 18496

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

5/15 1996

RECEIVED FROM

3000 Coliseum Investors

\$ 300.00

THE SUM OF

Three Hundred and 00/100

100

DOLLARS

ON ACCOUNT OF

2710 E Coliseum

#1047

Bezinging

Kathie Evans

PAID BY: CASH ☐

CHECK ☒

M.O. ☐

AUTHORIZED SIGNATURE





# Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We

do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: RA/B1

to a/an: B1B

designation the property located at the common street address of: 2710 E. Coliseum Blvd.

and further described as follows: Please see attached legal description.

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: \_\_\_\_\_

To obtain a universal zoning classification which is consistent with the  
balance of the property.

Property Owner(s) Name(s): 3000 Coliseum Investors, LLC

Street Address: 202 West Berry Street, Suite 610

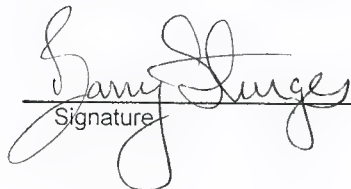
City: Fort Wayne

State: Indiana

Zip Code: 46802

Phone: (219) 424-8448

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

  
Signature

Barry Sturges, Managing Partner  
3000 Coliseum Investors, LLC

Printed Name

May 14, 1996

Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

Diana Parent

Sturges, Griffin, Trent & Company

202 West Berry Street, Suite 610

Fort Wayne, IN 46802

(219) 424-8448

Telephone Number

Receipt #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_

Reference #: \_\_\_\_\_



#### RA PARCEL

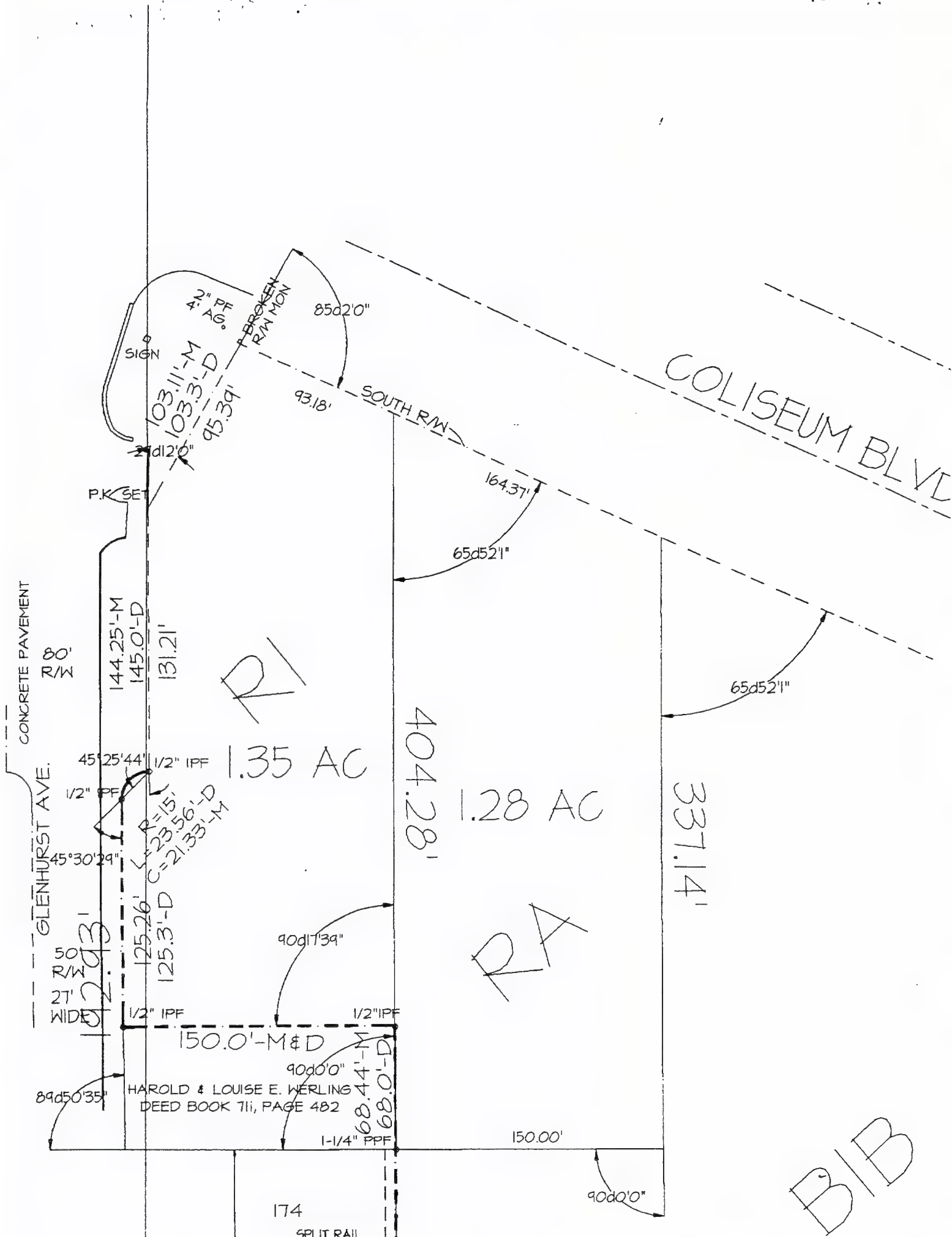
A parcel of land located in the Southeast One-Quarter of Section 30, Township 31 North, Range 13 East, Allen County, Indiana and more particularly described as follows:

BEGINNING at the Northeast corner Lot # 174 of Kirkwood Park Addition, Section F as recorded in Plat Book 18 page 195 in the Office of Allen County Recorder; thence Northerly along the extension of the East line of said lot a distance of 404.28 feet to a point on the Southerly right-of-way line of Coliseum Boulevard; thence by a deflection right of 114 degrees 08 minutes along said right-of-way line a distance of 164.37 feet; thence by a deflection right of 65 degrees 52 minutes, a distance of 337.14 feet; thence by a deflection right of 90 degrees 00 minutes, a distance of 150.0 feet to the point of beginning, containing 1.28 acres of land more or less.

#### R1 PARCEL

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CONCRETE PAVEMENT

GLENHURST AVE.

50' R/W  
21' WIDE

2.83'

89d50'35"

HAROLD & LOUISE E. WERLING  
DEED BOOK 711, PAGE 482

174

SPLIT RAIL

R 80'

144.25'-M

145.0'-D

131.21'

1.35 AC

404.28'

1.28 AC

RA

COLISEUM BLVD

337.14'

B/B

SIGN

P.K. SET

2" AG. PF

4" AG. PF

BROKEN R/W MON

85d2'0"

93.18'

SOUTH R/W

164.37'

65d52'1"

65d52'1"

90d1'39"

1/2" IPF

1/2" IPF

150.0'-M&D

90d0'0"

1-1/4" PPF

150.00'

90d0'0"



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-06-13; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1996.

**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.
- 2) Approval will allow the best possible development potential of the acreage, while preserving residential investments in the surrounding area.
- 3) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.
- 4) Approval is consistent with the existing zoning in the area.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1996.

Certified and signed this  
26th day of June 1996.



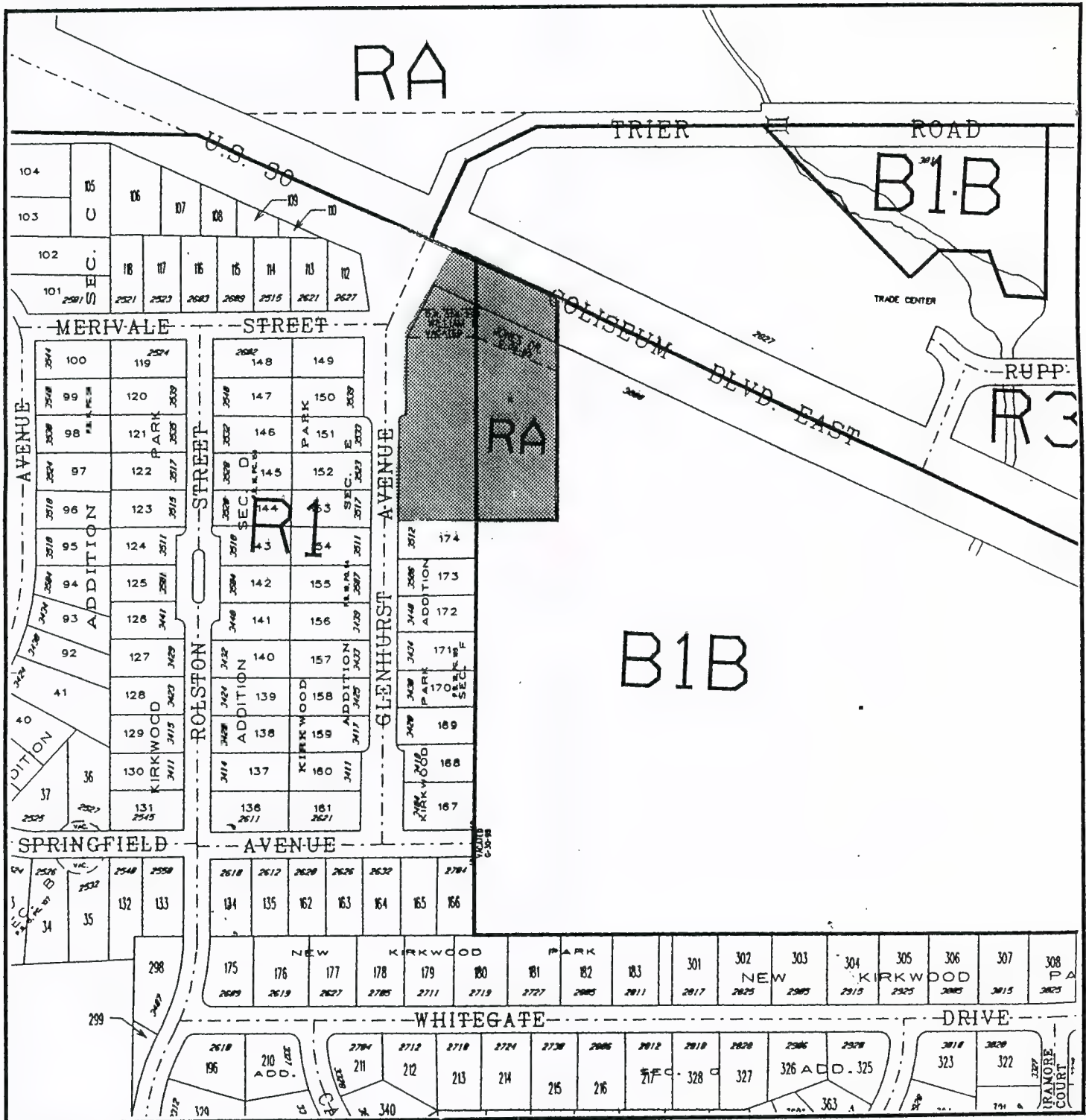
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Carol Kettler Sharp  
Secretary

# REZONING PETITION

AREA MAP

CASE NO. #614



COUNCILMANIC DISTRICT NO. 2

Map No. Q - 22  
LW 5-22-96

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		





# The City of Fort Wayne

Paul Helmke, Mayor

June 26, 1996

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-96-06-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
26th day of June 1996.

**Council action on this  
recommendation must take  
place prior to:  
September 23, 1996.**

A handwritten signature in cursive script, reading "Carol Kettler Sharp".

---

Carol Kettler Sharp  
Secretary

/pb

xc: File

# FACT SHEET

Z-96-06-13

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From RA & RL to B-1-B

### DETAILS

### POSITIONS

### RECOMMENDATIONS

Specific Location and/or Address

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Reason for Project

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Discussion (Including relationship to other Council actions)

17 June 1996 - Public Hearing

(See Attached Minutes of Meeting

24 June 1996 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion Carried.

NOTE: Dave Ross arrived late after the vote on this motion.

Members Present: Linda Buskirk, Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Richard Pierce, Thomas Quirk, Dave Ross

Member Absent: Carol Kettler Sharp

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

3000 Coliseum Investors, LLC

City Department

Other

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Recommendation

☒ For

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Reason Against

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☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass

☐ Other

☐ Pass (as  
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass





- a. Bill No. Z-96-06-13 - Change of Zone #614  
From R-1 and RA to B-1-B  
2710 E Coliseum Bl

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Tom Niezer, attorney representing Kirkwood Park Neighborhood Association appeared before the Commission. Mr. Niezer stated that he agreed completely with Mr. Heiny's characterization of the agreement that has been reached and what has been entered into the record. He stated that the closure of Glenhurst and Merivale has taken place through a temporary method for close to 4 to 5 months. He stated that this entire process represents close to a year's relationship with Mr. Sturgis and his group and his cooperation in closing off and vacating Springfield Avenue. Also, Mr. Sturgis's cooperation in reconfiguration and reconstruction of Glenhurst and Merivale. He stated that the agreement with respect to the limitations of uses that will be placed on property, once the agreement that has been signed is placed in record. He stated that from the association's standpoint, it is something that is much more desirable, from the association's standpoint, than what they previously face a couple of years ago when Lowe's was contemplating moving onto the property. He stated that he was there that evening on behalf of the association. He stated that he cannot represent to the Commission that they have 100% support from all of the residents of the area. He stated that with the agreement reached, that speaking for the association they support the rezoning of this property.

Doris Bailey, 3523 Glenhurst Ave, appeared before the Commission in opposition to the proposed rezoning. She stated that this zoning would allow for a restaurant to be located across from Glenhurst. She stated that she objected strongly to the rezoning.

Dorothy Otting, 3517 Glenhurst Avenue, appeared before the Commission in opposition to the rezoning. She stated that one of the major concerns is that the 2.6 acres is right across the street from their homes. She stated that at the time the property was purchase they were aware that the property was zoned residentially. She stated that if they did not want to leave it as



residential, then they should not have purchased the property. She stated that they do not feel that a commercial structure should be placed right across the street from their homes.

Madelene Jacobs, 3512 Glenhurst Avenue, appeared before the Commission in opposition to the rezoning. She stated that she wanted to make it know that she agrees with the two speaker who spoke in opposition to the rezoning.

DeDe Hall questioned if the people in opposition were opposed to just a restaurant, or the rezoning of the property to commercial.

Mr. Heiny stated that there are restrictions that deal with restaurants. He stated that they are permitted but with limitations. He stated that there can be no live bands or entertainment, or nightclub type restaurant. There is also a limitation that it not be open to the public from 1 am to 6 am. There is another limitation, that if it is a restaurant, it be a sit down restaurant, which would eliminate any fast food, drive through restaurants.

DeDe Hall questioned if this 2.6 acres needed to be rezoned. Is this parcel essential to the development of the property. (Ms. Hall was referring to the portion that fronted on Glenhurst Avenue and is zoned RA.)

Mr. Heiny stated that without the RA being rezoned he did not think that parcel would be large enough to use the RA the way the road is going to be configured through the development.

Wayne O'Brien stated that there would be landscaping requirements as part of the parking lot development of the site. He stated that there are also additional landscape issues in the agreement between the developer and the association, especially in the area of the reconfiguration of the streets.

Dave Ross questioned if it would be landscaping or fencing or some other form of barrier.

Mr. O'Brien stated there would be that possibility depending on where the parking lot would be established for this development.

Dave Ross questioned if the agreement was between the Plan Commission and the Association.

Mr. O'Brien stated that as he understood the agreement, and staff has not had the opportunity of reviewing the agreement, it is between the developer and the association. It would be enforced by the association. The Plan Commission is not a party to it.

Mr. Heiny stated that a significant portion of this development is already B-1-B that does about the Kirkwood Subdivision. He stated to that extent it is consistent to what is already out there. He stated that the agreement with Kirkwood constitutes a significant expenditure that the owners are doing to close the road. He stated that the cost is just shy of \$50,000. He stated that the whole agreement with Kirkwood is contingent upon this. He stated that if you look at it in total it is probably more desirable for the association to be assured that these two roads (Glenhurst and Merivale) are closed off. He stated that is a significant improvement to that neighborhood.

Pat Fahey asked if he could address the landscaping of the property to be rezoned.

Barry Sturgis stated that when they originally did the postal service project, they came up with

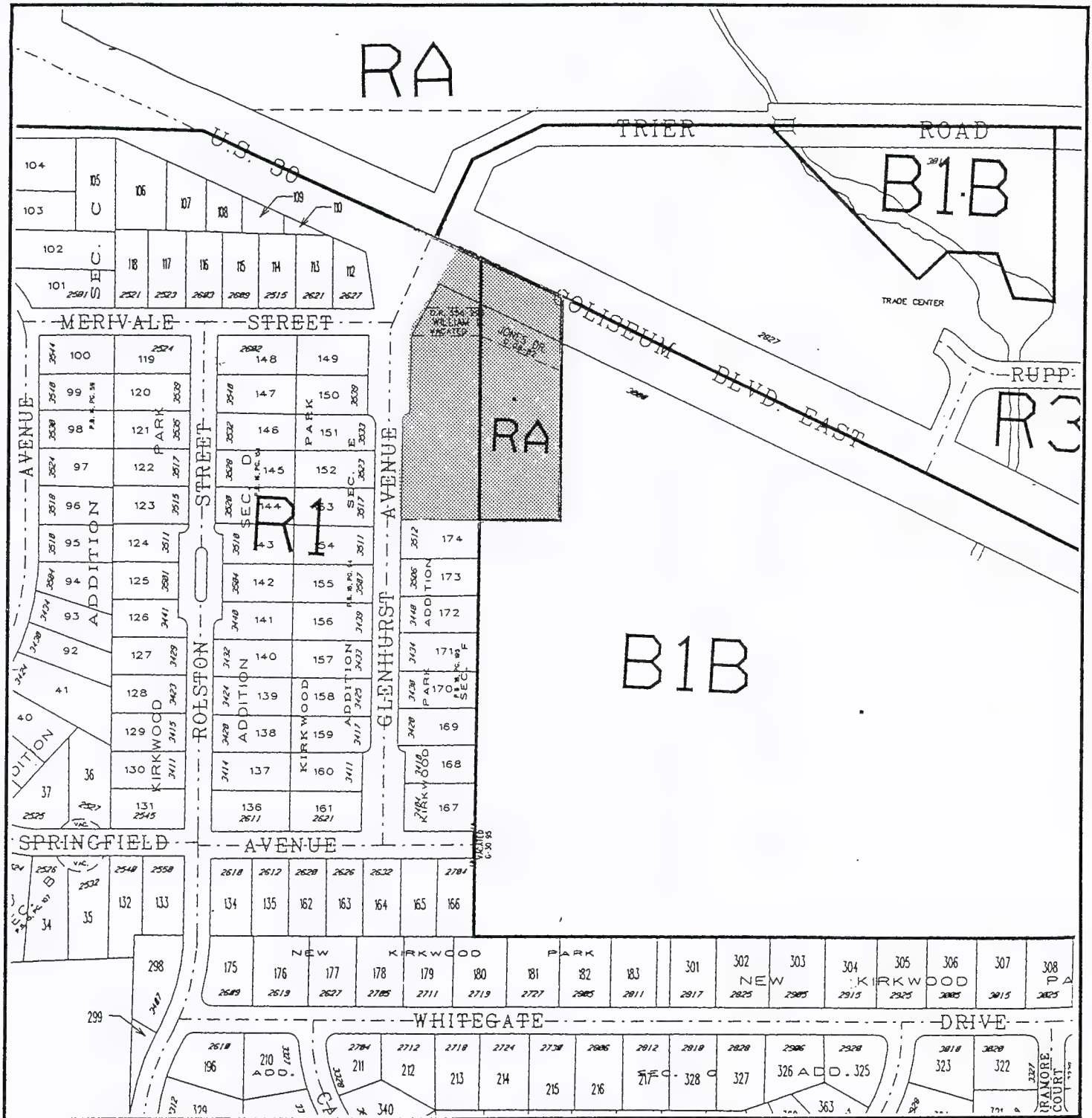
a screening and buffering plan. He stated that they met with the association on 2 or 3 occasions to try and address their concerns regarding the landscaping. He stated that the came up with the plan and then met with the association again, and made a few changes based upon their requests and their landscape architect. He stated that they feel they have buffered it quite nicely. He stated that they would not consider to do any less for the new area that they are requesting to be rezoned. He stated that they would again meet with the association and try to meet their need and concerns.

There was no one else present who spoke in favor of or in opposition to the proposed zoning map amendment.

# REZONING PETITION

AREA MAP

CASE NO. #614



COUNCILMANIC DISTRICT NO. 2

Map No. Q - 22

LW 5-22-96

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		



**RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION**

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-06-13; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1996.

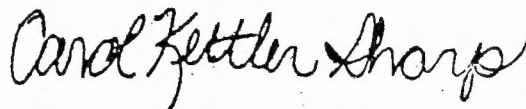
**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.
- 2) Approval will allow the best possible development potential of the acreage, while preserving residential investments in the surrounding area.
- 3) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.
- 4) Approval is consistent with the existing zoning in the area.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1996.

Certified and signed this  
26th day of June 1996.



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Carol Kettler Sharp  
Secretary

**3000 Coliseum Investors, LLC, request a change of zone from R-1 and RA to B-1-B.**

Location: 2710 E. Coliseum Boulevard

Legal: See file

Land Area: Approximately 2.63 acres

Zoning: R-1 and RA

Surroundings:	North	RA/R-3	Offices
	South	R-1/B1B	Residential / Offices
	East	B-1-B	Commercial (Offices)
	West	R-1	Single Family Residential

Reason for Request: To make zoning consistent with the rest of the development

Neighborhood Assoc.: Kirkwood Park (New Kirkwood Park is to the south)

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the comprehensive plan state that development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

### **Planning Staff Discussion:**

The acreage located at the southwest corner of Coliseum Boulevard and Hobson Road is currently known as Park 3000, which is a multi-building development. A small part of the acreage is zoned RA. Another small part of the site is zoned R-1. The majority of the site is currently zoned B-1-B, which is a limited business designation.

Directly to the south is New Kirkwood Park and to the west is Kirkwood Park. To the north, across Coliseum Boulevard is the "Triangle Park" office area. The acreage abuts Kirkwood Park and Glenhurst Avenue, but was not platted as part of that subdivision.

As stated above, the majority of the 29 acre site is zoned B-1-B. Originally a 10 acre site centered between Glenhurst Avenue and Hobson Road was zoned B-1. In 1965, 17.03 acres of the property was rezoned from RA and R-3 to B-1. The petitioners intended purpose of the rezoning was to allow the erection of additional buildings in connection with the existing Brotherhood Mutual Insurance Company. Although the Plan Commission had recommended



"perfecting" the petition to an R-3 classification, city council approved the rezoning. The rest of the development site was still zoned RA and R-1, and is the subject of this petition. The existing development is served by an access off of Hobson Road, and an access from Glenhurst Avenue at Coliseum Boulevard.

The adjoining residential neighborhood has been very concerned with the potential redevelopment of this acreage since the Mutual Security Life Insurance Company abandoned the site. Originally developed as an office location, the acreage has been maintained as a very low intensity park-like setting for many years.

The petitioners have had numerous discussions with the neighborhood associations regarding the potential development of the existing B-1-B zoned acreage. While the B-1-B designation allows approximately 90 different uses, the developer has indicated a desire to continue development with low intensity land uses, which would be acceptable to the area residents. The site currently houses a U. S. Post Office facility, and will soon have an assisted living facility at the northeastern corner of the development. Future development may include additional office uses and possibly a restaurant.

While staff has not directly been a part of those discussions, we understand the main issues have been the possible impacts of traffic driving through the residential area, sight and noise buffering, and possible impact on property values.

We understand that the petitioners have reached an understanding with the neighborhood association, and have arranged for the reconstruction of the Glenhurst Avenue / Coliseum Boulevard intersection. Construction is currently underway to reroute Glenhurst Avenue at its Merivale Street intersection to eliminate access to Coliseum Boulevard. This realignment will prevent any office traffic from driving through the residential area.

Staff is supportive of the petition. With the existing B-1-B zoning in place, it would appear unlikely that this acreage would be developed residentially. The rezoning of this acreage, coupled with the realignment of the Glenhurst Avenue / Coliseum Boulevard intersection will improve the potential development of the total site, while helping to preserve the quality of life in the residential area. The petitioners have appeared to be very sensitive to the concerns of the area residents, and seem to anticipate site development with proper mitigation techniques in mind.

Recommendation: Do Pass for the following reasons:

1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.

Approval will allow the best possible development potential of the acreage, while preserving residential investments in the surrounding area.

2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

Approval is consistent with the existing zoning in the area.



BILL NO. 7-96-06-13

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) XXXXXXXXXXXXX (RESOLUTION) amending the City of Fort  
Wayne Zoning Map No. Q-22

HAVE HAD SAID (ORDINANCE) XXXXXXXXXX (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) XXXXXXXXXX (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas E. Hayhurst

Martin A. Bender

James W. Crumphy

OSU

Clatus R. Edmonds

DATED: 7-9-96

Sandra E. Kennedy  
City Clerk